



Linda S. Adams
*Secretary for
Environmental
Protection*

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8198

October 12, 2006

Mr. Warren Farnum, Director
Modoc County Environmental Health
202 West Fourth Street
Alturas, California 96101

Dear Mr. Warren Farnum:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of Modoc County Environmental Health's Certified Unified Program Agency (CUPA) on September 21, 2006. The evaluation was comprised of an in-office program review. The State evaluator completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, preliminary corrective actions, and timeframes. Two additional evaluation documents are the Program Observations and Recommendations and the Examples of Outstanding Program Implementation.

The enclosed Summary of Findings is now considered Final and based on review; I find that Modoc County Environmental Health's program performance is satisfactory with some improvement needed. To complete the evaluation process, please provide quarterly reports to Cal/EPA of your progress toward correcting the identified deficiencies. Submit your quarterly reports to Kareem Taylor by the 15th of the month following each quarter. The first report of progress is due by January 15, 2006.

Cal/EPA also noted during this evaluation that Modoc County Environmental Health has worked to bring about a number of local program innovations such as providing UST training for local owners/operators and implementing a fertilizer spillage educational program for emergency responders and road crews. We will be sharing this innovation with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

Mr. Warren Farnum
October 12, 2006
Page 2

Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

Don Johnson
Assistant Secretary
California Environmental Protection Agency

Enclosure
Cc: See next page

Mr. Warren Farnum
October 12, 2006
Page 3

cc: Mr. Kevin Graves (Sent Via Email)
State Water Resources Control Board
P.O. Box 944212
Sacramento, California 94244-2102

Mr. Charles McLaughlin (Sent Via Email)
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

Ms. Vickie Sakamoto (Sent Via Email)
Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244-2460

Mr. Moustafa Abou-Taleb (Sent Via Email)
Governor's Office of Emergency Services
P.O. Box 419047
Rancho Cordova, California 95741-9047

Deficiencies and Corrective Actions

1. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

2. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here

3. Deficiency: Brief description of deficiency

CUPA Corrective Action: CUPA responds here



Linda S. Adams
Secretary for
Environmental
Protection

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION **SUMMARY OF FINDINGS**

CUPA: Modoc County Environmental Health

Evaluation Date: September 21, 2006

EVALUATION TEAM

Cal/EPA: Kareem Taylor

This Summary of Findings includes the deficiencies identified during the evaluation, observations and recommendations for program improvement, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Kareem Taylor at (916) 327-9557.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	<p>During the CUPA evaluation, a CUPA inspector stated that minor violations are not always included in inspection reports. In these instances, the CUPA inspector would speak to facility owners/operators about identified violations and the proper corrective actions that were needed to return to compliance (RTC). This method has been successful in facilities returning to compliance within a 30 day timeframe; however, violations of all types (Class I, Class II, or minor) should always be recorded in the inspection report.</p> <p>Citation: HSC, Chapter 6.11, 25404.1.2 (a) (1), (b)</p>	<p>Immediately, the CUPA shall record all violations and violation types on the inspection report and a notice to comply will be issued to all facilities cited for minor violations.</p>
2	<p>The CUPA is not documenting that all facilities that have been cited for minor violations have returned to compliance within 30 days of notification. During the file review, it was observed that some minor violations did not have a record of return to compliance. The facility shall either submit a Return to Compliance Certification in order to document its</p>	<p>By December 21, 2006, the CUPA shall ensure that facilities who are cited for minor violations have either submitted a signed Return to Compliance document or the CUPA has re-inspected the facility within the required corrective action date.</p>

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

	<p>compliance or in the absence of certification the CUPA shall re-inspect the facility to confirm that compliance has been achieved.</p> <p>Title 27, CCR, section 15200(f)(2)(C) HSC, section 25187.8(g)(1)</p>	
3	<p>The CUPA did not correctly report information on Annual Summary Reports 2 through 4 for FY 04/05.</p> <ul style="list-style-type: none"> • In Report 2, the total surcharge billed for CUPA oversight and USTs was reported incorrectly. The CUPA has corrected this error in their FY 05/06 Annual Summary Report 2. • In, Report 3, no RTC was reported for business plan, UST, or hazardous waste generator (HWG) facilities; however, the CUPA stated that facilities routinely RTC within a 30 day timeframe. No certification of RTC was recorded in the facility files. • In Report 4, no facilities with violations were reported for the business plan, UST, or hazardous waste generator (HWG) program elements even though informal enforcement actions were taken. <p>Citation: Title 27, Section 15290 (a)</p>	<p>By September 30, 2006, correctly report the following information into the Annual Summary Reports 2 through 4 for FY 05/06. Please report Annual Summary Report information correctly for all subsequent reports.</p> <ul style="list-style-type: none"> • In report 2, correctly report the surcharge information. • In Report 3, report facility RTC for all the program elements. • In Report 4, report facilities with violations for all the program elements.

CUPA Representative _____

(Print Name)

(Signature)

Evaluation Team Leader _____

(Print Name)

(Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section simply address those areas not specifically required of the CUPA by regulation or statute and are provided for continuous program improvement only.

1. **Observation:** On the facility inspection reports reviewed, none contain a signed consent to inspect by a facility owner/operator. Signed consent on the inspection report is important because it strengthens any potential enforcement case against a noncompliant facility.

Recommendation: On the inspection report, add a space where an owner/operator can grant consent by signing his/her name on the inspection report. The CUPA will then be documenting consent to inspect.

2. **Observation:** Some of the inspection reports reviewed contain missing information: date of inspection, owner/operator name, site location, and received by name. Also the major, minor, and no violation checkboxes on the UST inspection reports reviewed were all blank.

Recommendation: On future inspection reports, fill in all of the descriptive facility information and check mark the appropriate checkbox.

3. **Observation:** The CUPA inspection reports have space to record the factual basis for violations, but some inspection reports (specifically, the hazardous materials inspection reports) do not have checkboxes to distinguish between the violation types. Also, the CUPA does not include in the reports an area where owners/operators may certify by signature that identified deficiencies have been corrected.

Recommendation: Cal/EPA recommends that the CUPA create new inspection forms that include a violation column where an inspector can check mark violations as Class I, Class II, or minor. Also, include an area where owners/operators may certify by signature that identified deficiencies have been corrected.

4. **Observation:** The CUPA recently hired a new staff member to help perform inspections.

Recommendation: None offered.

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA has a good working relationship with its regulated community. This elicits a greater desire from owners/operators of regulated facilities to return to compliance in a timely fashion when a violation is identified.
2. In 2005, the CUPA held a UST training class for local owners/operators and employees of UST facilities. The class was instructed by the CUPA director who is a certified UST operator. The CUPA plans to hold this class every year.
3. The CUPA started a fertilizer spillage educational program to inform emergency responders and both state and county road crews about the different types of fertilizer used in Modoc County.